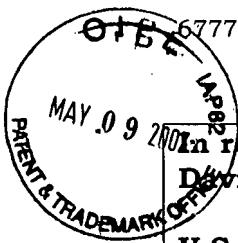


05-10-07

IAP6 Rec'd PCT/PTO 09 MAY 2007



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re: Application of:**  
**David Sue San Ho**

**U.S. Appl. No.: 10/579,637**

**PCT No.: PCT/US04/38774**

**International Filing Date: 11/18/2004**

**Group Art Unit:**

**Docket No. 274751.105PCT**

**Examiner: Virginia L. Irby**

**Customer No: 42161**

**RECOVERY OF PHYTONUTRIENTS  
FROM OILS**

**TRANSMITTAL LETTER**

May 9, 2007

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Please find enclosed: a Transmittal Form (1 pg.); a Response To The Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US) (2 pps.); a Declaration (2 pps.); a Notification of Missing Requirements Under 35 U.S.C. 371 (2 pps.); a Return Receipt Postcard; and an Express Mail Certification (1 pg.) in respect to the application of David Sue San Ho.

Please send all correspondence in connection with this application to Meyer, Unkovic & Scott LLP, 1300 Oliver Building, Pittsburgh, PA 15222.

Please be authorized to charge any fees and or credit any overpayments to deposit account 50-3325. The below-signed individual is an authorized user of said account.

Respectfully submitted,

David G. Oberdick  
 Reg. No. 39,527

Meyer, Unkovic & Scott LLP  
 1300 Oliver Building  
 Pittsburgh, PA 15222  
 412-456-2800

Attorneys for Applicant

DGO/tma



PTO/SB/21 (04-07)  
Approved for use through 09/30/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	PCT/US04/38774
		Filing Date	November 18, 2004
		First Named Inventor	David Sue San Ho
		Art Unit	
		Examiner Name	Virginia L. Irby
Total Number of Pages in This Submission	9	Attorney Docket Number	274751.105PCT

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration, Transmittal letter, Express Mail Certification, Return Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Meyer, Unkovic & Scott LLP		
Signature			
Printed name	David G. Oberdick, Esq.		
Date	May 9, 2007	Reg. No.	39,527

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

David G. Oberdick, Esq.

Date May 9, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/579,637	David Sue San Ho	274751.105
INTERNATIONAL APPLICATION NO.		
PCT/US04/38774		
I.A. FILING DATE		PRIORITY DATE
11/18/2004		11/19/2003
<b>CONFIRMATION NO. 4792</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000022994902*		

Date Mailed: 03/21/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/18/2006
- Preliminary Amendments filed on 05/18/2006
- Information Disclosure Statements filed on 09/25/2006
- U.S. Basic National Fees filed on 05/18/2006
- Priority Documents filed on 05/18/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$430 for a Large Entity:

- \$130 Surcharge.
- The application search fee has not been paid. Applicant must submit \$100 to complete the search fee.

Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

- The application examination fee has not been paid. Applicant must submit \$200 to complete the examination fee for a non-small entity. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

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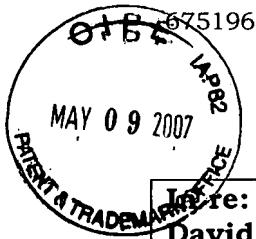
Telephone: (703) 308-9140 EXT 229

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,637	PCT/US04/38774	274751.105

FORM PCT/DO/EO/905 (371 Formalities Notice)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Info: Application of:</b> David Sue San Ho	
<b>U.S. Appl. No.:</b> 10/579,637	
<b>PCT No.:</b> PCT/US04/38774	
<b>International Filing Date:</b> 11/18/2004	<b>RECOVERY OF PHYTONUTRIENTS FROM OILS</b>
<b>Group Art Unit:</b>	
<b>Docket No.</b> 274751.105PCT	
<b>Examiner:</b> Virginia L. Irby	
<b>Customer No:</b> 42161	

May 9, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Dear Sir/Madam:

In response to the Notification of Missing Requirements, which was mailed on March 21, 2007, the above-identified Applicant respectfully submits the following items:

1. Declaration (2 pages); and
2. Notification of Missing Requirements Under 35 U.S.C. 371 (2 pages).

The Applicant believes that the present application now satisfies all formalities and should be in an acceptable form for further examination.

Please be authorized to charge the total fees required for this application, being \$430 for Large Entity, to Deposit Account number 50-3325. The below-signed

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p><b>In re: Application of:</b>  <b>David Sue San Ho</b></p> <p><b>U.S. Appl. No.: 10/579,637</b></p> <p><b>PCT No.: PCT/US04/38774</b></p> <p><b>International Filing Date: 11/18/2004</b></p> <p><b>Group Art Unit:</b></p> <p><b>Docket No. 274751.105PCT</b></p> <p><b>Examiner: Virginia L. Irby</b></p> <p><b>Customer No: 42161</b></p>	<p><b>RECOVERY OF PHYTONUTRIENTS FROM OILS</b></p>
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Pittsburgh, Pennsylvania  
May 9, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXPRESS MAIL CERTIFICATION****37 C.F.R. §1.10**

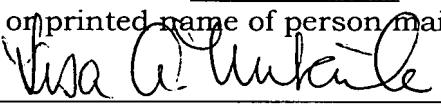
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Date of Deposit: May 9, 2007

**Description of Contents:**

Transmittal Letter (1 pg.); Transmittal Form (1 pg.); Response To The Notification of Missing Requirements Under 35 U.S.C. 371 in The United States Designated/Elected Office (DO/EO/US) (2 pps.); Declaration (2 pps.); Notification of Missing Requirements Under 35 U.S.C. 371 (2 pps.); and a Return Receipt Postcard.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Lisa A. Mikula  
(Typed or printed name of person mailing paper or fee)  
  
(Signature of person mailing paper or fee)

individual is an authorized user of said Account. Additionally, please be authorized to charge any under-payments or credit any overpayments to said Account.

Respectfully submitted,



David G. Oberdick, Esquire  
Registration No. 39,527

Meyer, Unkovic & Scott, LLP  
1300 Oliver Building  
Pittsburgh, PA 15222  
(412) 456-2800

Attorneys for Applicant

05/14/2007 MKAYPAGH 00000093 503325 10579637

01 FC:1633	200.00	DA
02 FC:1641	100.00	DA
03 FC:1617	130.00	DA